

and the marked up copy does not. Another example is Claims 24 – 33 do not appear in the marked up copy.”

The Applicant respectfully submits that the Examiner has mischaracterized the claims submitted in the June 20, 2007 Amendment. While it is true that at the end of the June 20, 2007 Amendment the Applicant submitted a “clean set of claims” as is required by 37 CFR §1.121, the claims set out near at the beginning of the Amendment were not a “marked up” set of claims as the Examiner has stated. Instead, these claims near the beginning of the June 20, 2007 Amendment were the claims that were amended by the June 20, 2007 Amendment. This is clearly indicated by the preface to setting out these amended claims which reads: “In response to the Office Action dated March 9, 2007, please amend the application as follows:” whereafter the claims which were to be amended in that Amendment only were set out. It is these claims that the Examiner has mistakenly characterized as “marked up.”

These amended claims did not include claims that were originally submitted but not amended in the June 20, 2007 Amendment nor did they include claims amended in previous Amendments but that were not amended in the June 20, 2007 Amendment. Consequently, there are not two different sets of claims submitted. Indeed, there is only one complete set of claims submitted, that being the “clean set of claims” that was labeled “Clean Copy of Pending Claims” that was placed at the end of the June 20, 2007 Amendment. As a result, there is no mismatch between the “Clean Copy of Pending Claims” which includes reference to every claim every submitted in the above referenced case and the claims that were amended in the June 20, 2007 Amendment. Therefore, the Examiner is respectfully requested to reconsider his determination that the June 20, 2007 Amendment was non-compliant, remove such determination and consider the claims as submitted in the June 20, 2007 Amendment.

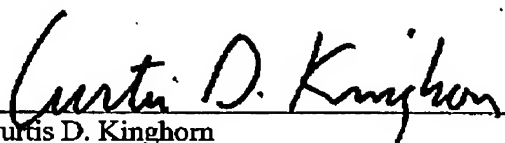
Finally, it appears that the Examiner has referred to the Amendment that triggered the Notice of Non-Compliant Amendment as being submitted on June 20, 2007, that Amendment was actually submitted on June 11, 2007 with a corresponding certificate of mailing as set out in 37 C.F.R. §1.8. Under 37 C.F.R. §1.8, that Amendment is entitled to the June 11, 2007 date. Should

the Examiner find it useful, the Examiner is requested to contact the undersigned at (651) 484-1032 with any questions or comments he may have.

Respectfully submitted,

Applicant

Dated: August 23, 2007


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